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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2019 13:34
I attest to the accuracy and
authenticity of this document

CR-2359-2019 (O/M)
Date of decision : 8.4.2019

Mamta Petitioner (s)

Versus

Mukesh Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Om Pal Sharma, Advocate,
for petitioner.

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KULDIP SINGH, J. (ORAL)

Petitioner is aggrieved by order dated 5.3.2019 (Annexure-P-7), passed by learned Principal District Judge, Family Court, Bhiwani, vide which an application to stay divorce petition till decision of trial in FIR No. 63 dated 10.12.2015, registered at PS Women Police Station, Bhiwani, under Sections 498-A, 406, 506, 494, 493, 376 (2) (n), 495/34 IPC etc., was dismissed.

Heard.

After going through impugned order, I am of the view that in divorce petition, some averments have been made, which are denied by opposite party. These averments are to be independently proved. The trial Court cannot wait for criminal trial to conclude before deciding divorce petition.

The learned counsel for petitioner has relied upon Constitution Bench authority of the Hon'ble Supreme Court in M.S. Sheriff and another Versus State of Madras and others, 1954 AIR (SC) 397. The perusal of said authority shows that it was regarding some offence committed by police officers and suit filed regarding the same facts. Therefore, said authority is not attracted in the present case.

In view of the above, I find no illegality or impropriety in
impugned order. Thus, revision petition is dismissed.

(KULDIP SINGH)
JUDGE

8.4.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No